

IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH CAROLINA  
GREENVILLE DIVISION

O'NEAL CONSTRUCTORS, LLC	)	Civil Action No.:
	)	
Plaintiff,	)	
	)	
vs.	)	<b>DEFENDANT'S NOTICE OF</b>
	)	<b>REMOVAL</b>
	)	
ARENCIBIA ASSOCIATES, INC.	)	
	)	
Defendant.	)	
	)	
	)	

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YOU WILL PLEASE TAKE NOTICE that Arencibia Associates, Inc., a defendant in the above-entitled action, hereby removes the above-entitled case into the United States District Court for the District of South Carolina, Greenville Division. The removal is proper on the following grounds.

1. Defendant, pursuant to 28 U.S.C. § 1446, hereby removes the above-entitled action from the Court of Common Pleas of Greenville County, State of South Carolina, to the United States District Court for the District of South Carolina, Greenville Division.

2. This action was filed by Plaintiff against Defendant on January 16, 2017 and was served on Defendant by its counsel accepting service of the Summons and Complaint on January 30, 2017. The action is pending in the Court of Common Pleas for Greenville County, State of South Carolina as Case Number 2017-CP-23-00200. Plaintiff's counsel has granted an additional 30-day extension for Defendant to file a response to Plaintiff's Complaint. Defendant has not made an appearance or filed any pleading in the Court of Common Pleas for Greenville County.

3. This Notice of Removal is filed within thirty (30) days of receipt of the Summons and Complaint by the Defendant, pursuant to 28 U.S.C. § 1446(b)(1). A copy of the attached Summons and Complaint constitutes all process and pleadings in this action to date. (Exhibit A).

4. Plaintiff is a South Carolina corporation which is authorized to conduct business and which conducts business in Greenville County, South Carolina.

5. Defendant is a corporation organized and existing under the laws of the State of Pennsylvania that, at all times relevant to this action, was authorized to conduct business in the State of South Carolina and conducted business in Greenville County, South Carolina.

6. Without waiving its right to move for dismissal or change of venue, this Court has original jurisdiction pursuant to 28 U.S.C. § 1332, and pendant state jurisdiction over Plaintiff's state law claims pursuant to 28 U.S.C. § 1367.

7. Upon information and belief, and based on a fair reading of the substantive allegations, the amount in controversy and sought by Plaintiff exceeds \$75,000.00, including attorney fees and punitive damages, exclusive of interest and costs.

8. Defendant will timely provide a copy of the Notice of Removal to the Clerk of Court for Greenville County, South Carolina.

WHEREFORE, pursuant to 28 U.S.C. § 1446, Defendant hereby removes this matter from Court of Common Pleas for Greenville County, South Carolina to the United States District Court for the District of South Carolina, Greenville Division.

FAYSSOUX & LANDIS, PA

/s/ Paul S. Landis

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Attorneys for Defendant

February 22, 2017

Greenville, South Carolina